

Pilliods couple v. Monsanto

REFERENCE :

RG17862702 // A158228 // S270957

COMPLAINT DATE :

June 2, 2017

STATUS :

Final judgment

PLACE OF JURISDICTION :

United States

PLAINTIFFS TYPES :

Landscapers

PLAINTIFFS NAMES :

Alva et Alberta Pilliod, Charles Baker, John Novak, Sharon Rowland, Sharon McClurg, Marjorie Grubka

DEFENDANTS :

Monsanto, Wilbur-Ellis

LAWYERS :

Curtis G. Hoke, Timothy Litzenburg, Michael Miller, Jeffrey Travers, David J. Dickens, Brent Wisner, Pedram Esfandiary, Michael L. Baum, Steven Kazan, Frances M. Phares, Mark Burton, Steven Brady

CASE NATURE :

Civil court

SPECIFICITIES :

Jury

PRODUCTS :

Herbicide, Glyphosate, Roundup

REQUESTS :

Compensatory and punitive damages for non-Hodgkin's lymphoma of both Pilliods husband and wife due to years of use of Roundup.

NAME OF THE COURT :

Court of Appeal of the State of California, United States

JURISDICTION LEVEL :

Appellate (Appeal) Court

DECISION DATE :

August 9, 2021

DECISION NATURE :

Positive

DECISION CONTENT :

Appeal court confirms 1st instance verdict: Monsanto ordered to pay the Pilliod couple \$2 billion in compensatory and punitive damages, reduced to \$87 million on July 25, 2019. On Nov. 17, 2021, petition for review is denied by the California Supreme Court.

LEGAL BASIS :

National law

COURT RULING :

Link to the ruling (<https://www.courts.ca.gov/opinions/documents/A158228.PDF>)

SUMMARY :

Alva and Alberta Pilliod, both suffering from non-Hodgkin's lymphoma after years of using Roundup, filed a complaint against Monsanto. This is the first case that has been heard in the Roundup Judicial Council Coordination Proceedings (JCCP NO. 4953), which includes many of the cases brought before the courts of the State of California. The trial began on 28/3/2019 in Alameda County

Superior Court (Oakland). On May 13, 2019, Monsanto was ordered to pay \$2 billion in compensatory and punitive damages to the Pilliod couple. This is the third trial in the United States in less than a year in which the glyphosate-based herbicide is found responsible for the plaintiffs' NHL and Monsanto's found guilty. Monsanto/Bayer files a motion for JNOV on 6/18/2019, which is denied. On 7/25/2019, the judge reduces Monsanto's damages (mainly punitive) from \$2 billion to \$69.3 million, but confirms that Roundup was the probable cause of the Pilliods' disease and that the company has acted with malice. On Feb. 7, 2020, Bayer/Monsanto appeals the decision. On 7/31/2020, the Pilliods couple cross-appeal, seeking \$575 million in damages. On June 22, 2021, California appellate judge J. Anthony Kline said he was seriously considering tossing Monsanto's appeal due to what he called the agrochemical company's "distortion of facts". On Aug. 9, 2021, the court of appeal affirms, citing Monsanto "reckless disregard" for consumer safety. On Sept. 20, 2021, Bayer's petition for review is filed at the California Supreme Court. On Nov. 17, 2021, the CA Supreme Court denies the petition for review. On March 21, 2022, Bayer asks the U.S. Supreme Court to review the case. The company says the lawsuits should be dismissed because federal regulators consider the weedkiller safe. It says also that it is unconstitutional to award punitive damages that far outweigh compensatory damages.

SCIENTIFIC REFERENCES :

Glyphosate – Monographs (<http://monographs.iarc.fr/ENG/Monographs/vol112/mono112-10.pdf>)

RELATED LINKS :

Complaint for damages and demand for jury trial (from p. 6) (<https://usrtk.org/wp-content/uploads/2018/09/Pilliod-motion-for-Leave-to-file-first-amended-complaint.pdf>)

Pilliods jury verdict form, May 13, 2021 (<https://www.baumhedlundlaw.com/documents/pdf/monsanto-documents/pilliod/pilliods-jury-verdict-form.pdf>)

Monsanto Ordered to Pay \$2 Billion to Cancer Victims (<https://usrtk.org/monsanto-roundup-trial-tacker/monsanto-ordered-to-pay-2-billion-to-cancer-victims/>)

Plaintiffs' Attorneys press release (<https://www.baumhedlundlaw.com/2-billion-verdict-against-monsanto/>)

Pilliod Order 7.25.19 (<https://drive.google.com/file/d/1s-QYkTYfADXveZ1UTJOpFF2xds36wMtH/view>)

US judge reduces \$2 billion Monsanto Roundup verdict against Bayer (<https://www.dw.com/en/us-judge-reduces-2-billion-monsanto-roundup-verdict-against-bayer/a-49751667>)

Bayer asks California to reverse \$86m Roundup cancer verdict (<https://www.aljazeera.com/ajimpact/bayer-asks-california-reverse-86m-roundup-cancer-verdict-200210185610731.html>)

Cross-appellants-Brief-for-Pilliod (<https://usrtk.org/wp-content/uploads/bsk-pdf-manager/2020/08/Cross-appellants-Brief-for-Pilliod.pdf>)

California Judge Berates Monsanto Lawyer Over Brief in Roundup Cancer Appeal

(<https://www.courthousenews.com/california-judge-berates-monsanto-lawyer-over-brief-in-roundup-cancer-appeal/>)

Appeals court rejects Bayer bid to overturn Roundup trial loss; cites Monsanto "reckless disregard" for consumer safety (<https://usrtk.org/monsanto-roundup-trial-tracker/another-setback-for-bayer-appeals-court-rejects-company-bid-to-overturn-loss-in-pilliod-trial/>)

Glyphosate. Bayer, nouveau propriétaire du Roundup, perd de nouveau en appel aux États-Unis (FR) (<https://www.ouest-france.fr/economie/entreprises/monsanto/glyphosate-bayer-nouveau-propretaire-du-roundup-perd-de-nouveau-en-appel>)

aux-etats-unis-6dd65224-f9bd-11eb-8856-ae31b3de7322)

Aux Etats-Unis, nouveau revers pour Bayer, la justice confirme que le Roundup cause des cancers (FR)

(https://www.lemonde.fr/planete/article/2021/08/10/aux-etats-unis-nouveau-revers-pour-bayer-la-justice-confirme-que-le-roundup-cause-des-cancers_6091084_3244.html?utm_medium=Social&utm_source=Twitter#Echobox=1628605141)

Appellate Courts Case Information, Nov. 17, 2021 (https://appellatecases.courtinfo.ca.gov/search/case/disposition.cfm?dist=0&doc_id=2359557&doc_no=S270957&request_token=NilwLSEmTkg%2BWYBRSCM9WE9IMFw0UDxTJCJelz9SQCAgCg%3D%3D)

\$86.2 million Roundup damage award to Livermore couple stands ([https://www.sfchronicle.com/bayarea/article/86-2-million-Roundup-damage-award-to-Livermore-16630082.php?](https://www.sfchronicle.com/bayarea/article/86-2-million-Roundup-damage-award-to-Livermore-16630082.php?utm_source=ActiveCampaign&utm_medium=email&utm_content=Top+news%3A&utm_campaign=ATF+Daily)

[utm_source=ActiveCampaign&utm_medium=email&utm_content=Top+news%3A&utm_campaign=ATF+Daily](https://www.sfchronicle.com/bayarea/article/86-2-million-Roundup-damage-award-to-Livermore-16630082.php?utm_source=ActiveCampaign&utm_medium=email&utm_content=Top+news%3A&utm_campaign=ATF+Daily))

CA Supreme Court Upholds \$87M Award in Glyphosate Damage Lawsuit, Bayer/Monsanto Challenge Fails

(<https://beyondpesticides.org/dailynewsblog/2021/11/ca-supreme-court-upholds-87m-award-in-glyphosate-damage-lawsuit-bayer-monsanto-challenge-fails/>)

Bayer presses for U.S. Supreme Court review of a second Roundup cancer case

(https://www.reuters.com/legal/government/bayer-presses-us-supreme-court-review-second-roundup-cancer-case-2022-03-21/?mc_cid=087325451a&mc_eid=f6b7498072)

© 2022 Justice Pesticides (<https://justicepesticides.org/en/>)